

Appl. No. 10/664,560
Docket No. 9364
Reply dated May 28, 2009
Reply to Office Action mailed on March 4, 2009
Customer No. 27752

REMARKS

Claim Status

Claims 1, 2, 10-12, 14, and 15 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §103(a) Over U.S. Patent Nos. 3,960,272 and 3,912,571

Claims 1-2, 10-12, and 14-15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent Nos. 3,960,272 and 3,912,571 both to Hartbauer, et al. ("Hartbauer"). The Examiner asserts that the location of the adhesive in Hartbauer can be shifted to a slightly different location which does not modify the operation of the consumer accessible tab.

Applicants respectfully submit that Hartbauer fails to teach each and every element of Claim 1, the independent claim, because Hartbauer fails to teach a multi-ply fibrous structure that comprises a consumer accessible tab comprising a first fibrous structure ply and a second fibrous structure ply bonded together. This is clearly evident from Hartbauer's teachings and drawings. Further evidence of this fact is seen in the previously submitted Exhibit 1. The failure to bond the plies together to form a consumer accessible tab makes it likely one ply of Hartbauer's multi-ply product may be grabbed by a consumer without grabbing the other ply when dispensing. By doing so, the product may tear and/or worse it may result in the skinning of the roll – dispensing only a single ply of the multi-ply product while leaving the other ply attached to the convoluted wound roll. Skinning of roll of multi-ply product is a consumer negative. Accordingly, Applicants submit that Hartbauer fails to teach each and every element of Claim 1 and thus Claim 1 is not rendered obvious over Hartbauer. MPEP 2143.03. Further, Applicants submit that Claims 2, 10-12, and 14-15, which ultimately depend from Claim 1, are not rendered obvious over Hartbauer. MPEP 2143.03.

In addition to the failure to teach that its plies are bonded together to form a consumer accessible tab, Hartbauer further fails to teach and in fact clearly teaches away from the location of its adhesive being arbitrary. The fact that a consumer grabs Hartbauer's tab which is located on the opposite side of the tail seal glue from the tail end

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a portion of Hartbauer's product results in the tail seal glue releasing differently, if at all, from the tail seal glue of the claimed invention. Accordingly, Applicants submit that the Examiner's assertion that one could merely shift the adhesive on Hartbauer's product to another spot is clearly not supported by the teachings of Hartbauer. Therefore, Applicants submit that Claim 1 is not rendered obvious over Hartbauer. MPEP 2143.03. Further, Applicants submit that Claims 2, 10-12, and 14-15, which ultimately depend from Claim 1, are not rendered obvious over Hartbauer. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent Nos. 3,960, 272 and 3,912,571 as applied above, and further in view of U.S. Patent No. 6,924,042

Claims 1-2, 10-12, and 14-15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Hartbauer, discussed above, and further in view of U.S. Patent No. 6,924,042 to Von Paleske ("Von Paleske"). The Examiner asserts that Von Paleske teaches that it is known in the art to form multi-ply products wherein at least two of the plies are bonded together.

Applicants respectfully submit that Von Paleske fails to overcome the deficiencies in Hartbauer's teachings. Clearly, Von Paleske fails to teach a consumer accessible tab comprising a first fibrous structure ply and a second fibrous structure ply that are bonded together. Accordingly, Applicants submit that Claims 1-2, 10-12, and 14-15 are not rendered obvious over Hartbauer in view of Von Paleske for the same reasons that Claims 1-2, 10-12, and 14-15 are not rendered obvious over Hartbauer. MPEP 2143.03.

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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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